

Date of decision: 22.03.2023

...PETITIONER

STATE OF PUNJAB

...RESPONDENT

Present: Mr. J.K.Singla, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

VIVEK PURI,J. (ORAL)

On 17.11.2022, the following order was passed:-

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.90 dated 24.05.2022, registered at Police Station Bhikhi, District Mansa, under Sections 308, 323, 341, 506 and 34 IPC and Sections 120-B and 325 IPC (added later on).

Learned counsel for the petitioner contends that the abovenoted FIR was registered against some unidentified persons, and that however on 04.06.2022, supplementary statement of the complainant was recorded wherein he stated that the petitioner was one of the assailants, who had caused injuries to him on the instructions of co-accused, Amritpal Singh.

Learned counsel further submits that the petitioner has falsely been implicated in the present case due to old enmity between Amritpal Singh and the complainant; that in an FIR got registered by Amritpal Singh, co-accused, against the complainant in the year 2015, the latter was convicted and the appeal preferred by him is pending adjudication, and that even one Inderjit Singh, brother of the complainant, also instituted a complaint against Amritpal Singh, co-accused. He further submits that aforesaid Amritpal Singh has since been granted the concession of anticipatory bail by this Court, vide order dated 07.07.2022. He further submits that the injuries allegedly attributed to the petitioner were not on the vital parts of the complainant.

Notice of motion.

On the asking of this Court, Mr. Harkanwar Jeet Singh, AAG, Punjab, accepts notice on behalf of the respondent-State. At this stage, Mr. Harvinder Singh Maan, Advocate, puts in appearance on behalf of the complainant. Adjourned to 22.03.2023.

Meanwhile, the petitioner is directed to join investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438 (2) Cr.P.C. However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.

On instructions from ASI Kulwant Singh, learned State counsel submits that the despite lapse of period of more than four months, the petitioner has not joined the investigation.

Learned counsel for the petitioner has not disputed the aforesaid factual assertions.

As the petitioner has not joined the investigation despite lapse of four months despite issuance of interim directions, he becomes dis-entitled to the extraordinary relief of anticipatory bail.

In view of the above, the present petition is dismissed.

22.03.2023

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No